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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,928	11/14/2003	Hikonori Okamoto	OKAMOTO10	7434
1444	7590	03/24/2005	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			EDELL, JOSEPH F	
		ART UNIT		PAPER NUMBER
				3636

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/706,928	OKAMOTO, HIKONORI	
Examiner	Joseph F Edell	Art Unit	3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 December 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 9-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 9-16 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 14 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Objections***

1. Claim 16 is objected to because of the following informalities: "assembly." (line 3) should read --assembly--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,586,806 to Hergott in view of JP Publication No. 09-309370 to Hidechika.

Hergott discloses a structure for securing a cup support element that is basically the same as that recited in claims 9, 10, and 13 except that the structure lacks a wire frame and a plurality of securing pieces, as recited in the claims. See Figures 1 and 2. Hergott for the teaching that the structure has a seat cushion 12 (Fig. 1), a rigid protection plate 42 (Fig. 2) of metallic material, securing fasteners 48 (Fig. 2) on projecting tabs 43 (Fig. 2), and a cup support element 10 (Fig. 1) with a body portion 20 (Fig. 1) and a side support member 22 (Fig. 1) wherein the body portion is fixedly attached to the protection plate. Hidechika shows a structure similar to that of Hergott

wherein the structure has a seat cushion 3 (Fig. 1) of foam padding, a wire frame 9 (Fig. 1) provided in the seat cushion, a support element 1 (Fig. 1), a plurality of securing pieces 1b,5 (Fig. 1) projecting horizontally and outwardly that are connected with the wire frame, and a space (Fig. 1) in foam padding of the seat cushion for the support element and the plurality of securing pieces. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the structure of Hergott such that the structure has a wire frame provided in foam padding of the seat cushion, the protection plates has a plurality of the securing pieces connected to the wire frame, and a space defined in the foam padding wherein, in the space, the plurality of securing pieces of the protection plate are securely connected with a portion of wire frame, such as the structure disclosed in Hidechika. One would have been motivated to make such a modification in view of the suggestion in Hidechika that the wire frame, support element, and the plurality of securing pieces in a space prevents loosening of edges of the structure for securing the cup support element, provides an inexpensive attachment structure without forming unevenness of the components. Applicant should note that all thin materials have some elastic properties providing resilient bending and/or deformation. While the elastic property may be minute, the size of the property does not preclude the thin material from having the property. Therefore, the elastic property is inherent in materials of both Hergott and Hidechika.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hergott in view of Hidechika as applied to claims 9 and 10 above, and further in view of U.S. Patent No. 5,749,554 to Avila et al.

Hergott, as modified, discloses a structure for securing a cup support element that is basically the same as that recited in claim 11 that the protection plate lacks lateral walls, as recited in the claims. Avila et al. shows a structure for securing a cup support element similar to that of Hergott wherein the structure has a protection plate 34 (Fig. 6) with a pair of lateral walls 36,37 (Fig. 6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the structure of Hergott such that the protection plate has a pair of lateral walls and the plurality of securing pieces are provided on each of the pair of lateral walls, such as the structure disclosed by Avila et al. One would have been motivated to make such a modification in view of the suggestion in Avila et al. that the lateral walls of the protection plate provides stability to the cup support element.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hergott, as modified, in view of Avila et al. as applied to claim 11 above, and further in view of U.S. Patent No. 3,623,683 to Bennett.

Hergott, as modified, discloses a structure for securing a cup support element that is basically the same as that recited in claim 12 except that the body portion lacks an upper wall, as recited in the claims. See Figures 1 and 2 of Hergott for the teaching that the seat cushion has an upper side, the body portion has a pair of lateral walls, and the main portion of the protection plate covers the body portion. Bennett shows a

structure for securing a cup support element similar to that of Hergott wherein the body portion 11 (Fig. 4) has an upper wall 31 (Fig. 4) and a pair of lateral walls. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the structure of Hergott such that the body portion has an upper wall covered by a main portion of the protection plate, and the pair of lateral walls are covered by the pair of lateral portions of the protection plate, such as the structure of Bennett. One would have been motivated to make such a modification in view of the suggestion in Bennett that the upper wall of the body portion provides a cover for the sliding opening of the body portion.

6. Claim 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hergott, as modified, in view of Bennett as applied to claim 12 above, and further in view of JP Patent No. 2000-190783 to Yasuhiko.

Hergott, as modified, discloses a structure for securing a cup support element that is basically the same as that recited in claims 13-16 except that the wire frame assembly in the seat cushion is not specified, as recited in the claims. Yasuhiko shows a structure for securing a cup support element similar to that of Hergott wherein the structure has a wire frame (Fig. 1) embedded in foam padding of a seat cushion, and a wire frame assembly (Fig. 1) constituting a contour of the seat cushion and including a wire sub-assembly disposed at a point adjacent to a space (Fig. 4) and including at least two wire members connected with the wire frame assembly. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the structure of Hergott such that the structure has a wire frame

assembly constituting a contour of the seat cushion and a wire sub-assembly with at least two wire members connected with the wire frame assembly and disposed in the foam padding at a point adjacent the space wherein the plurality of securing pieces are connected to the at least two wire members in the space, such as the structure disclosed in Yasuhiko. One would have been motivated to make such a modification in view of the suggestion in Yasuhiko that the structure in the bottom wall of the seat cushion provides a retractable cup holder connected to the wire framework.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216 until 07 April 2005 and will be (571) 272-6858 thereafter. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JE  
March 18, 2005

  
RODNEY B. WHITE  
PRIMARY EXAMINER